

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BRANDON MARCHIONE,

Plaintiff,

v.

Case No: 8:20-cv-2997-KKM-TGW

CHRISTOPHER NOCCO et al.,

Defendants.

ORDER

Brandon Marchione, along with many other plaintiffs, joined a suit alleging Defendants were engaged in racketeering. *See Squitieri v. Nocco*, 8:19-cv-906. The Court severed that action, requiring Marchione to pursue his claims separately from the other plaintiffs. As such, Marchione initiated the instant action, ultimately bringing racketeering and constitutional claims. (Doc. 16.) The Court dismissed his Amended Complaint with prejudice. (Doc. 27.) Defendants then moved for sanctions against Marchione and Marchione's attorneys under 28 U.S.C. § 1927, 42 U.S.C. § 1988, and this Court's inherent authority. (Doc. 29.) For the reasons stated in this Court's recent order in *Squitieri*, the Court grants-in-part Defendants' motion. 8:19-cv-906 (Doc. 226). The Court concluded that the conduct of Marchione's counsel in filing his Amended

Complaint, an egregious shotgun pleading, unreasonably and vexatiously multiplied the proceedings. As such, Marchione's attorneys are liable for the "excess costs, expenses, and attorneys' fees reasonably incurred" by Defendants in responding to Marchione's Amended Complaint. § 1927. Further, the Court concluded that Marchione's § 1983 claim was objectively frivolous, rendering him liable for the attorney's fees Defendants reasonably incurred defending against the § 1983 claim. But the Court did not find any subjective bad faith from Marchione or his counsel, and thus sanctions under this Court's inherent authority are not warranted.

Accordingly, the following is **ORDERED**:

1. Defendants' Motion on Entitlement to Attorneys' Fees is **GRANTED-IN-PART**. (Doc. 29.) Specifically, Marchione's counsel, John McGuire and Luke Lirot, are jointly and severally liable for the attorney's fees Defendants reasonably incurred responding to Marchione's Amended Complaint. Marchione is jointly and severally liable with his attorneys for the attorney's fees Defendants reasonably incurred responding to his § 1983 claim.
2. The Court **DIRECTS** Defendants under Local Rule 7.01(c) to file a Supplemental Motion on Amount within forty-five days of this Order.

ORDERED in Tampa, Florida, on April 18, 2022.

A handwritten signature in blue ink, reading "Kathryn Kimball Mizelle", is positioned above a horizontal line.

Kathryn Kimball Mizelle
United States District Judge